

### **REMARKS/ARGUMENTS**

This communication is submitted in response to the Non-Final Office Action of April 9, 2008. In the Action, claims 1 and 3-71 were rejected under 35 U.S.C. 102(b) as being anticipated by Ginter et al. (US Patent 7,124,302). No claims are amended, cancelled or added in this Response.

### **35 U.S.C. 102(b) Rejections**

Turning first to the cited art, *Ginter* describes a Virtual Distribution Environment (VDE) which secures, administers, and audits electronic information use. (Ginter, col. 2, lines 31-34). The VDE is directed to solving the problem for electronic content providers in extending their ability to control the use of proprietary information. (Ginter, col. 2, lines 44-46). Specifically, VDE is a rights protection solution for securing and managing transaction processing, and provides capability to: (a) audit and analyze the use of content, (b) ensure that content is used only in authorized ways, and (c) allow information regarding content usage to be used only in ways approved by content users. (Ginter, col. 4, lines 51-59). VDE can protect a collection of rights belonging to various parties having in rights in electronic information. This information may be at one location or dispersed across (and/or moving between) multiple locations. The information may pass through a "chain" of distributors and a "chain" of users. Usage information may also be reported through one or more "chains" of parties. In general, VDE enables parties that (a) have rights in electronic information, and/or (b) act as direct or indirect agents for parties who have rights in electronic information, to ensure that the moving, accessing, modifying, or otherwise using of information can be securely controlled by rules regarding how, when, where, and by whom such activities can be performed. (Ginter, col. 6, lines 20-33).

Ginter's VDE is a secure system for regulating electronic conduct and commerce. Regulation is ensured by control information put in place by one or more parties. These parties may include content providers, electronic hardware manufacturers, financial service providers, or electronic "infrastructure" companies such as cable or telecommunications companies. The control information implements "Rights Applications." Rights applications "run on" a secure, flexible, general purpose foundation that can accommodate many different rights applications, that is, many different business models and their respective participant requirements. A rights application under VDE is made up of special purpose pieces, each of which corresponds to one or more basic electronic processes needed for a rights protection environment. These processes can be combined together like building blocks to create electronic agreements that can protect the rights, and may enforce fulfillment of the obligations, of electronic information users and providers. One or more providers of electronic information can combine selected building blocks to create a rights application that is unique to a specific content distribution model. (Ginter, col. 6, lines 35-57).

In implementation, Ginter's VDE includes tools that enable system designers to directly insert VDE capabilities into their products. These tools include an Application Programmer's Interface ("API") and a Rights Permissioning and Management Language ("RPML"). The RPML provides comprehensive and detailed control over the use of the VDE's features. (Ginter, col. 7, lines 39-45).

VDE employs object software technology and uses object technology to form "containers" for delivery of information that is (at least in part) encrypted or otherwise secured. These containers may contain electronic content products or other electronic information and some or all of their associated permissions (control) information. These container objects may be distributed along pathways involving content providers and/or content users. The containers may be securely moved among nodes of a Virtual Distribution Environment (VDE) arrangement, which nodes operate *VDE foundation software and execute control methods to enact electronic information*

*usage control and/or administration models. The containers may be employed both for distributing VDE control instructions (information) and/or to encapsulate and electronically distribute content that has been at least partially secured. (Ginter, col. 13, line 54 – col. 14, line 4).*

FIG. 2 of Ginter illustrates an example of content distribution using a chain of handling and control. As shown, a VDE content creator 102 creates "content." The content creator 102 may also specify "rules and controls" for distributing the content. *These distribution-related "rules and controls" can specify who has permission to distribute the rights to use content, and how many users are allowed to use the content.* The distributor 106 generates her own "rules and controls" that relate to usage of the content. *The usage-related "rules and controls" may, for example, specify what a user can and can't do with the content and how much it costs to use the content.* These usage-related "rules and controls" must be consistent with the "rules and controls" specified by content creator 102. The content user 112 uses the content in accordance with the usage-related "rules and controls." (Ginter, col. 56, lines 7-29).

In Ginter, the "rules and controls" define processes, which may include one or more of an "events process" 402 which detects things that happen ("events") and determines which of those "events" need action by other processes, a "meter process" 404 which keeps track of events and may report usage to VDE participants, a "billing process" 406 which determines how much to charge for events, and a "budget process" 408 which limits how much content usage is permitted. (Ginter, col. 58, lines 22-67).

In Ginter, the *VDE packages content into a "container" 302 (see Ginter, FIG. 5A) so the content cannot be accessed except as provided by its "rules and controls".* The container and its controls is also called an "object 300". VDE participants each have an "electronic appliance" 600 (see FIGS. 6 and 7), such as a computer, having a Secure Processing Unit (SPU) 500 that processes information in a secure processing environment 503 and stores information securely. The VDE 100 provides a "rights operating system" 602 that manages appliance 600 and SPU 500 by controlling their

hardware resources. The operating system 602 may also support an *"application" 608, which is hardware or software specific to the context of the appliance 600*. For example, if appliance 600 is a personal computer, then "application" 608 may be a program loaded by the user, for instance, a word processor, a communications system or a sound recorder. Operating system 602 provides "rights and auditing operating system functions" 604 which handle summary requests from application 608 rather than requiring the application to always make more detailed "subrequests" or otherwise get involved with the underlying complexities involved in satisfying a summary request. For example, application 608 may simply ask to read specified information; *"rights operating system functions" 604 can then decide whether the desired information is VDE-protected content and, if it is, perform processes needed to make the information available*. (Ginter, col. 59, lines 7-15, col. 60, lines 7-15, col. 61, lines 16-33, and col. 61, line 65 – col. 62, line 3).

In summary, Ginter discloses a virtual distribution environment for distributing and managing content usage and content usage controls, thereby enforcing agreements among parties as to the user's use of content. (Ginter, col. 7, lines 33-35).

In contrast, Applicant's recited claims relate to methods for creating an electronic product design in which product design software tools are downloaded to a user computer to execute in the browser of the user computer and which allow the user of the user computer to edit a downloaded product design template at the user computer to create a custom product design for subsequent production of a product in accordance with the custom product design. As described in paragraphs [0063] and [0064] of the Applicant's specification and shown in Applicant's FIG. 3, the claimed methods allow a customer to *design their own product*, for example as illustrated in the preferred embodiment, a print job), using a design tool executing in the browser of the user's computer for design selection and editing. The design tool uses a user-friendly "what you see is what you get" ("WYSIWYG") functionality that allows the customer to choose a base design (e.g., the product design template) for a desired printed item (e.g., business card or stationery), and then edit the design. The

"WYSIWYG" functionality of the design tool allows the customer to immediately see what the final printed item will look like even as the customer edits the downloaded design template. Thus, using the browser and a design tool downloaded to and executing within the browser of the user computer, the customer can choose a printed item from a wide selection of print products (e.g., business cards, letterhead, invitations, brochures and marketing materials), view a variety of images of *design templates* that are available for a selected product (for example, different design templates for a selected business card product), choose one of the design templates, download the chosen design template to the user's computer, complete the design template (e.g., by supplying new text, uploading graphics files and adjusting fonts), and save the resulting design. The customer can then add the item to a web-based shopping cart and place an order.

Applicant's claim 1 recites:

A computer-implemented method for creating an electronic **product design**, the method comprising:

downloading one or more **product design** software tools to a user computer, the tools being adapted to execute in the browser of the user computer and allow the user of the user computer to edit a **downloaded product design template** at the user computer to create a **custom product design**,

**providing a plurality of template images** for viewing by the user of the user computer, the images **representing electronic product design templates editable at the user computer** by the user,

in response to the user's selection of one of the template images, **downloading an editable product design template associated with the selected template image, the downloaded product design template being a partially completed electronic product design**, and

allowing the user to use one or more of the tools to edit the downloaded template **to incorporate content at the user computer into the downloaded product design template to create a custom electronic product design** at the user computer.

Ginter does not teach or suggest "**downloading one or more product design software tools to a user computer, the tools being adapted to execute in the browser of the user computer** and allow the user of the user computer to **edit a**

**downloaded product design template** at the user computer to create a **custom product design**". The Office Action cites Ginter, col. 302, lines 1-32 as disclosing "creating an electronic product design". It therefore appears that the Office seeks to equate Ginter's VBE-secured document with Applicant's recited "electronic product design." The Applicant respectfully disagrees. The VBE-secured document in Ginter is merely the encapsulation of a document or other content with distribution-related and usage-related controls. VBE does nothing to alter the original document or content encapsulated in the VBE-protected object. Thus, there is no customization of the design of the content, and therefore Ginter's system does not "create a **custom product design**".

Additionally, Ginter does not make any relevant teaching as to "**downloading** one or more **product design software tools** to a user computer, **the tools being adapted to execute in the browser of the user computer**". The Office points to col. 25, lines 25-38 as teaching "downloading"; however, this passage discussing downloading of objects from the VBE repository – i.e., VBE-protected documents – and not downloading "**product design software tools**". The Office refers to col. 7, lines 5-37 of Ginter for teaching "product design software tools". However, this passage references a "rights application" that provides electronic enforcement of business agreements between participants of the VBE system. As described therein, the "rights application" merely enforces the "rules and controls" associated with a VBE-protected object. There is nothing in this passage, nor any other passage in Ginter, that discloses or even suggests a software tool that allows **design** of a **product**.

Ginter does not teach or suggest "**providing a plurality of template images** for viewing by the user of the user computer, the images **representing electronic product design templates editable at the user computer** by the user." In Ginter, content to be protected is packaged by the *VDE* into a "container" 302 (see Ginter, FIG. 5A) *so the content cannot be accessed except as provided by its "rules and controls"*. Distribution-related and usage-related "rules and controls" may be created and associated with the container 302. As described in Ginter, col. 27, line 3 through

code and associated data for implementing a specific capability, are therefore not themselves displayed to the user, nor are images of the templates. Only the VDE creation software GUI is displayed to the user, and **in order to ensure bug-free code** (Ginter, col. 27, 15-23), the GUI merely allows the entry of requested information which is handed to the VDE creation software which inserts the requested data into a template and encapsulates the content into an object. There is no evidence whatsoever that Ginter's VDE creation software ever even displays the template code to the user.

The Office cites Ginter, col. 283, lines 13-35 as disclosing "providing a plurality of template images for viewing by the user of the user computer." However, as stated in this passage, "[t]emplates ... serve as VDE object authoring or object control *applications*." As previously described, Ginter's templates are **code** and associated data which, **when executed, implement specific functionality or capability**. Thus, Ginter's templates are not "**images** for viewing by the user of the user computer." As previously explained, the templates are simply code, typically in the form of text files. Ginter's templates are also neither "**images representing electronic product design templates editable at the user computer by the user**" or even "**electronic product design templates editable at the user computer by the user**". First, Ginter's templates are not **images of templates** — they are simply templates. Second, Ginter provides no evidence that the underlying template code itself is ever viewable by the user. Third, Ginter's templates are not **editable by the user**. As previously explained, *GUI programming process* implementing the VDE creation software requests data from the user and it is the VDE creation software that actually determines where and what to insert into the templates. Thus, it is the VDE creation software that actually edits the templates, and not the user. Finally, Ginter's templates are not **product design templates** — they are programming templates of methods implementing specific functionality and capability. Thus, Ginter does not even remotely suggest "providing a plurality of template **images** for **viewing** by the user of the user computer, the images **representing electronic product design**

**templates editable at the user computer by the user**" as claimed in Applicant's Claim

1.

Ginter also does not teach or suggest "in response to the user's selection of one of the template images, **downloading an editable product design template associated with the selected template image, the downloaded product design template being a partially completed electronic product design**".

As explained above, Ginter does not teach or suggest displaying an **image** of any of the templates. In addition, since Ginter's templates are code and associated data implementing methods to provide specific functionality or capability, they cannot be equated with Applicant's recited "**product design template being a partially completed electronic product design**." Finally, any "downloading" referred to in Ginter is with respect to downloading encapsulated VBE-protected objects from a VBE repository and **not to any template**. The Office cites several passages relating to: employment of commercial off-the-shelf ("COTS") operating systems and application programs to process VDE-protected documents (col. 302, lines 1-32), downloading of an object available from a VDE content repository (col. 25, lines 25-38), use of a "rights application" to provide electronic enforcement of business agreements between providers of content, distributors of content, and users of content (col. 7, lines 5-37), employment of application software to make use of repository having available VDE content (col. 313, lines 15-31, and use and modification of VDE-protected content and its controls (col. 32, lines 30-64). However, none of these passages, nor any other passages, in Ginter disclose any relevant teaching with regards to "in response to the user's selection of one of the template images, **downloading an editable product design template associated with the selected template image, the downloaded product design template being a partially completed electronic product design**".



Ginter also does not teach or suggest “allowing the user to use one or more of the tools to edit the downloaded template **to incorporate content** at the user computer **into the downloaded product design template to create a custom electronic product design** at the user computer.” Ginter’s Virtual Distribution Environment operates to encapsulate content and associate rules and controls to control its use by others. The content is never incorporated into one of the programming templates – rather it is incorporated only into a container. Furthermore, as previously explained, Ginter’s VDE does not create **custom electronic product designs** such as a design of a business card or brochure to be subsequently printed, but rather generates protected versions of received content.

In view of the above, Ginter clearly does not teach each and every limitation of Applicant’s recited claim 1. The Applicant respectfully submits that the 35 U.S.C. §102 rejection of claim 1 should therefore be withdrawn.

The above comments regarding claim 1 are likewise applicable to independent claim 9 and 13 and to dependent claims 3-8, 10-12, and 14-71. In light of the above comments, it is believed that all pending claims are now allowable and favorable action on all claims is respectfully requested.

It is further noted that Ginter does not teach or suggest the novel limitations of any of the dependent claims. For example, Claim 3 adds additional limitations not taught by Ginter. In particular, Ginter does not teach or suggest “allowing the user to place an order for production of a quantity of a physical product corresponding to the electronic product design.”

Claim 5 also adds additional limitations not taught by Ginter. In particular, Ginter does not teach or suggest “wherein tools display the electronic product design to the user in WYSIWYG form.”

Claim 8 also adds additional limitations not taught by Ginter. In particular, Ginter does not teach or suggest “wherein the template images are displayed at a reduced size that allows a plurality of template images to be simultaneously displayed to the user.”

While claims 3, 5 and 8 are expressly discussed herein as not being taught by Ginter for the purpose of directing the Examiner's attention to the many novel features of the dependent claims, further additional novel features are found in each of the remaining claims not expressly discussed herein, and are further believed allowable over Ginter.

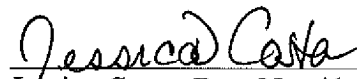
### CONCLUSION

The undersigned respectfully submits that pending claims 1 and 3-71 are allowable and the application is in condition for allowance. A Notice of Allowance is respectfully solicited.

Examiner Garcia is invited to call the undersigned in the event a telephone interview might advance prosecution of this application.

Respectfully submitted,

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